

Patrick Morrissey

From: Jason DeVore <jdevore@devoreradunsky.com>
Sent: Monday, June 26, 2023 11:33 AM
To: Thomas Morrissey
Cc: Patrick Morrissey; Zachary Stillman
Subject: RE: Westmoreland v. Dart Inspections at the Jail and setting dates for depositions

Tom,

As we discussed last week, we are not refusing an inspection, but rather hoping to work out details. We want to finish the written agreement on scope. You will get an inspection once details are worked out. The position you have articulated is "give us a date are we'll tell the judge you refused." We have never refused an inspection.

Separately, based on your comments, it is our understanding that your expert has not taken measurements or photos or otherwise inspected the areas where you seek to inspect. If that is inaccurate, please advise as soon as possible.

Also, as noted the CCSO cannot produce two of the deponents. Further, as we previously advised, you have cloaked an interrogatory in your notice of deposition and asked for the identity of a person in the deposition notice by circling a picture. We will be in a position to set a deposition date once the identify is confirmed.

It has not been 30 days since their Notice for Deposition and for Inspection. Thus, any motion to compel is premature and a bullying tactic. It also unnecessarily takes court resources to address an issue that has not ripened into a dispute. Demanding to go into the facility is not to be taken lightly, and the RTU and Cermak are occupied, requiring a significant disruption in operations.

We have addressed every issue you have raised and now need your help to work through a written agreement regarding an inspection.

Jason

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